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December 15, 1992

JAN WITOLD BARAN  
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Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Attn: Anne A. Weissenborn, Esq.

Re: MUR 2314 (National Republican Senatorial  
Committee and James L. Hagen, as Treasurer)

Dear Mr. Noble:

I am in receipt of Anne Weissenborn's November 18, 1992, letter informing me that the Commission has voted to deny NRSC's June 17, 1992, request to take no further action in this Matter or to vacate the Commission's previous probable cause findings and reinstate pre-probable cause briefing pursuant to 11 C.F.R. § 111.16. The Commission also denied NRSC's September 22, 1992, request for unaltered copies of all certifications issued in this Matter, including any certifications for all actions taken in response to the June 17 request.

Without providing any statement of reasons or justifications, the Commission has declined to take no further action or to vacate its March 10, 1992, probable cause findings in light of intervening court precedent involving the same parties and legal issues. The Commission's actions ignore and defeat the purpose of our June 17 requests. As stated in the letter of September 22, 1992, repetitive briefings after probable cause findings are made and still in effect are not authorized by the Act nor are they fair to respondents.

Therefore, NRSC is left with the Commission's March 10 probable cause findings in this Matter, which were unjustified to begin with. The Commission's determinations do not take into account the Court of Appeals' decision in FEC v. NRSC, 966 F.2d 1471 (D.C. Cir. 1992). The legal basis for the probable cause findings therefore is more deficient than when originally made.

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NRSC continues to object to the Commission's withholding of complete certifications, secret certifications which become public when the matter is closed. Under these circumstances, NRSC perceives no willingness on the part of the FEC to negotiate a mutually acceptable conclusion to this drawn out and unwarranted proceeding.

NRSC expressly reserves the right to challenge any and all administrative procedural deficiencies in this Matter. In addition, NRSC reaffirms its position on the merits that, for the reasons stated in its numerous pleadings and as further explicated in FEC v. NRSC, it has not violated the Act.

Sincerely,

  
Jan Witold Baran

cc: The Hon. Joan D. Aikens, Chairman  
The Hon. Scott E. Thomas, Vice Chairman  
The Hon. Danny L. McDonald  
The Hon. Lee Ann Elliott  
The Hon. John Warren McGarry  
The Hon. Trevor Potter